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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,033	10/12/2000	Howard J. Glaser	STL920000062US1	8030

47069 7590 12/31/2007	EXAMINER
KONRAD RAYNES & VICTOR, LLP	KENDALL, CHUCK O
ATTN: IBM54	

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ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		09/687,033	GLASER ET AL.
		Examiner	Art Unit	
		Chuck O. Kendall	2192	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 October 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the Application filed 10/30/07.

2.   Claims 1 – 21 have been amended in this Application.

Claim Rejections - 35 USC 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Downs et al USPN 6,226,618 B1 in view of Anderson et al. 6,578,142 and further in

view of Patel et al. USPN 6,918,113.

         Regarding claim 1, Downs discloses an article of manufacture for use in a data

processing system for installing an application program for execution on the data

processing system, said article of manufacture comprising a computer-readable storage

medium having a computer program embodied in said medium which causes the data

processing system to execute method steps comprising:

encrypting and storing the user application program installation configuration in a

manifest file (80: 29 – 31,for encryption keys);

determining that the stored user application program installation configuration

corresponds to the particular user (79:32 – 41, see End-User(s);

authenticating the particular user in response to the particular user requesting the

application program (25:3 – 5, see authenticity and authorization);

decrypting the manifest file in response to the user authentication (44: 8 – 11);

and

building the application program to user application program installation

configuration decrypted from the manifest file (70:63 – 71:9, also see 40:1 – 15, see

template to build a SC (secured content) also see encryption methods and unpacking

and decrypting encrypted parts). Down doesn't expressly disclose defining a user

configuration of the application program installation corresponding to a particular user of

the application program_installed on a first data processing system,_in a configuration

customized to conform to.

However, Anderson et al. in an analogous art and similar configuration discloses

installing a software application to user computer based on the user profile, and user

preferences (9:40 – 55). Therefore it would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine Downs and Anderson, because it

would enable configuring the installation based on the particular user profile as

suggested by Anderson above.

The combination of Downs and Anderson doesn't expressly disclose authenticating and decrypting for installation on a second data processing system. However, Patel in an analogous art and similar configuration discloses encrypting and decrypting in a client server system which involves the client authenticating receiving data from a server system (8:8:35 – 9:30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Downs and Anderson and Patel, because it would enable receiving data from a remote system.

Regarding claim 2, the article of manufacture of claim 1 wherein the data processing system is a local data processing system, and wherein the computer program embodied in said medium causes the data processing system to execute the additional method steps comprising:

storing the user application program installation configuration on a remote server executing on a remote data processing system (see FIG. 5, 103 and all related text);

initiating a session between the local data processing system and the remote data processing system in response to the particular user requesting the local application program (see 69:37 – 40, see End-User Devices 109 and communicates with Content Hosting Site(s), for initiates a session);

responsive to the user authentication, downloading data from the remote data processing system to the local data processing system according to the stored user application program installation configuration (70:4 – 10); and

downloading the manifest file from the remote data processing system to the local data processing system (70:27 – 32).

Regarding claim 3, the article of manufacture of claim 2 wherein the computer program embodied in said medium causes the data processing system to execute the additional method steps comprising:

authenticating the particular user in a second authentication responsive to the, particular user requesting a build of the application program (13: 23 – 26, see second key);

decrypting the manifest file responsive to the second authentication (13:3 – 25, see "so that encrypted data with one key can only be decrypted with the other key"); and

building the application program pursuant to the user application program installation configuration decrypted from the manifest file responsive to the second authentication (70:63 – 71:9).

Regarding claim 4, the article of manufacture of claim 1 wherein the computer program embodied in said medium causes the data processing system to execute the additional method step comprising:

recording a description of items that are being used by the particular user (46: 11 – 17).

Regarding claim 5, the article of manufacture of claim 4 wherein the recorded description is used for administering licensing of the items (46:41 – 61).

Regarding claim 6, the article of manufacture of claim 2 wherein the remote server is a web server (FIG.1B, 138 see eCOMMERCE SERVER also see all related text).

Regarding claim 7, the article of manufacture of claim 1 wherein the user application program installation configuration comprises data describing the particular user (46:22, see identification), the particular user's application program user configuration, and resources for which the particular user is authorized (82:5 – 20).

Regarding claim 8, which is the method version of claim 1, see rationale above as previously discussed.

Regarding claim 9, which is the method version of claim 2, see rationale above as previously discussed.

Regarding claim 10, which is the method version of claim 3, see rationale above as previously discussed.

Regarding claim 11, which is the method version of claim 4, see rationale above as previously discussed.

Regarding claim 12, which is the method version of claim 5, see rationale above as previously discussed.

Regarding claim 13, which is the method version of claim 6, see rationale above as previously discussed.

Regarding claim 14, which is the method version of claim 7, see rationale above as previously discussed.

Regarding claim 15, which is the system version of claim 1, see rationale above as previously discussed.

Regarding claim 16, which is the system version of claim 2, see rationale above as previously discussed.

Regarding claim 17, which is the system version of claim 3, see rationale above as previously discussed.

Regarding claim 18, which is the system version of claim 4, see rationale above as previously discussed..

Regarding claim 19, which is the system version of claim 5, see rationale above as previously discussed.

Regarding claim 20, which is the system version of claim 6, see rationale above as previously discussed.

Regarding claim 21, which is the system version of claim 7, see rationale above as previously discussed.

Response to Arguments

5.   Applicant's arguments with respect to claims 1 - 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chuck Kendall whose telephone number is 571-272-

3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.